

Special Meeting/ Worksession
Monday, June 6, 2016
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC
4:00pm

Present Chairman Jeff Smith, Commissioners Keith Nixon (came in later), Alex Kehayes, John Mitchener, Emmett Winborne and Greg Bonner.

Commissioner Ellis Lawrence was absent.

Staff present County Manager Kevin Howard County Attorney Lauren Arizaga-Womble, Planner Elizabeth Bryant and Board Clerk Susanne Stallings.

This meeting was recorded. A copy of the recording is in the meeting file labeled June 6, 2016.

Chairman Smith called the worksession to order. He then turned the worksession over to David Owens with the School of Government at the University of North Carolina at Chapel Hill.

Commissioner Nixon joined the meeting.

Mr. Owens provided the Board with a handout on quasi-judicial decisions. A copy of the handout is in the meeting file labeled June 6, 2016.

Below are some highlights from Mr. Owens' presentation.

- Discussion of the difference between legislative decisions and quasi-judicial decisions. An example of a legislative decision is a zoning decision. This is where the Board will "set policy" can investigate and hear any evidence as they want. He stated a quasi-judicial decision like a Special Use or Conditional Use Permit (SUP or CUP) was considered in the legislative process. He stated the applicant of an SUP or CUP now as to meet the standards specified in the ordinance. He stated that courts say the applicant has the right to the permit if they meet the standards set out in the ordinance. He stated the applicant has the right to an impartial decision maker. He stated that the only purpose for this hearing is to see if the standards in the ordinance are met. He stated the Board is legally required to apply the standards of the ordinance.
- Conditional Use Zoning was discussed and Mr. Owens noted the State of NC allows for conditional use zoning.
- Mr. Owens noted the legal requirements for notice of a quasi-judicial hearing to all parties in the case.
- Mr. Owens noted the burden is on the applicant in a quasi-judicial hearing. He stated the application will address the standards and the applicant is to submit their evidence. He noted most CUP applications are simple however controversial applications will take more time to review.

- Mr. Owens discussed who has the standing to appeal a quasi-judicial decision. Mr. Owens stated this can be the applicant, owner of the property or someone affected by the decision. He stated the appellant will have to prove their impact. He discussed standing and what is allowed for someone without standing. He stated most often a person without “standing” will not be allowed to present evidence. He noted there is no case law regarding a challenge during a hearing.
- Once an application is received it will be reviewed to see if it meets the standards, the quality of evidence will be reviewed and must be competent substantial material. He noted anyone presenting facts must be under oath and prove the standards. The example of impact on property values was discussed by the Board. Mr. Owens stated that the only opinion that can be considered must be one from a qualified expert witness.
- The Board asked who will determine if testimony is expert. Mr. Owens noted that often the County Attorney will provide their opinion. He stated the Chair may also rule but this will require a Board vote if there is an objection from a Commissioner.
- Mr. Owens noted that no new evidence may be presented after the quasi-judicial hearing. He stated the Courts will not consider it. He stated that if an applicant is unprepared the Board may recess by Board action or applicant request. He noted that once the hearing is closed, no new evidence may be heard.
- Board members are not able to gather evidence.
- Board members should not discuss the application with staff.
- Commissioner indicated concern with not being able to do their research. Mr. Owens stated that it must be done cautiously however if a Board member has knowledge, it must be disclosed at the hearing. He discussed the ability of a board member to get a general education on the matter, however specific fact gathering should be avoided.
- Board members will receive the application packet in advance of the meeting. This information will be available to both parties.
- Board members do not have to hear the same evidence over and over. The Board may utilize a sign-up sheet and the Board is obligated to keep the matter orderly.
- Mr. Owens reminded the Board that their obligation is to be a fair impartial decision maker. He stated that it is not the Board’s obligation to decide if they like the project or application.
- It is recommended the procedure of the hearing be noticed in advance of the hearing.
- Board members have the obligation to apply the rules in the ordinance. The Board is to exercise good judgement but take the facts and apply them to the ordinance standards.
- If the application does not meet the standards of the ordinance the Board may deny the application or apply conditions.

Board members thanked Mr. Owens for the information. Being no further business. Commissioner Bonner moved to adjourn the special meeting. Chairman Smith asked for all in favor, the motion passed unanimously (6-0).

Jeffery Smith, Chairman

Susanne Stallings, Clerk

Chowan County Board of Equalization and Review
Meeting
Monday June 6, 2016
6:00pm
Chowan County Public Safety Center
305 West Freemason Street

AGENDA

Present Chairman Jeff Smith, Commissioners Keith Nixon (came in later), Alex Kehayes, John Mitchener, Emmett Winborne, Ellis Lawrence and Greg Bonner.

Staff present County Manager Kevin Howard County Attorney Lauren Arizaga-Womble, Planner Elizabeth Bryant and Board Clerk Susanne Stallings.

Ms. Stallings administered the oath to Commissioner Ellis Lawrence.

At 6:00 PM the Board convened the Chowan County Board of Equalization and Review. The Interim Tax Administrator, Pete Rodda, advised the Board that he had one appeal. He stated that the taxpayer (Food Lion Shopping Center) is requesting a reduction of their value. He stated the property is currently valued at \$7 million and the taxpayer is requesting \$4 million. He stated Edenton currently has only two shopping centers. He stated he looked at other centers to compare. He stated he came up with a figure of \$5.6 million. He stated that the Chowan Crossing Shopping Center should have been reviewed more in 2014 during the revaluation. He stated he would recommend an adjustment of the valuation to \$5,609,510.

Chairman Smith discussed his concerns over the amount of the reduction.

Commissioner Nixon asked if there is supporting documentation regarding the Tax Administrators recommendation. He asked if the tax payer is going by the County's values or by an appraisal value. He stated his concern with the potential impact on the adjoining strip mall.

Chairman Smith asked if the matter was time sensitive.

Mr. Rodda stated that it could wait. He stated his concern was the value determined in January of 2014.

Chairman Smith asked if changing the value would set a precedence.

Mr. Rodda stated the previous valuation lists the property as excellent or above average condition. He stated the physical depreciation is a factor from a cost basis. He stated the two shopping centers were not compared.

Commissioner Nixon moved to adjourn the Board of Equalization and review except to hear a continuation of this appeal at a later meeting. (No new appeals will be heard).

Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Jeffery Smith, Chairman

Susanne Stallings, Clerk

Regular Meeting
Monday, June 6, 2016
Chowan County Public Safety Center
305 West Freemason St.
Edenton, NC
6:00pm

This meeting was recorded. The audio recording is in the meeting file labeled June 6, 2016.

Present Chairman Jeff Smith, Commissioners Keith Nixon, Alex Kehayes, John Mitchener, Emmett Winborne, Ellis Lawrence and Greg Bonner.

Staff present County Manager Kevin Howard County Attorney Lauren Arizaga-Womble and Board Clerk Susanne Stallings.

Regular Meeting

Chairman Smith called the meeting to order and led all in attendance in the pledge of allegiance. Commissioner Nixon then offered the invocation.

Public Comment

Chairman Smith opened the floor to public comment in accordance with NCGS 153A-52.1

Adrien Wood was signed up for general public comment. She indicated she wished to reserve her comments for the budget public hearing comments.

Approval of Agenda

Commissioner Mitchener moved to approve the agenda as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Consent Agenda

Chairman Smith presented the consent agenda.

a. Budget Amendments

BA1516-017

Account Code	Description	Old	+ or (-)	New
Revenues				
11-3523-005-00	Passport to Manhood	742.00	6,950.00	7,692.00
11-3612-486-00	Recreation After School	23,417.00	9,200.00	32,617.00
Expenses				
11-5230-445-00	Passport to Manhood	742.00	6,950.00	7,692.00
	Recreation After School			-
11-6131-126-00	Salaries and Wages-Parttime	14,960.00	2,075.00	17,035.00
11-6131-181-00	Fica Tax	1,162.00	159.00	1,321.00
11-6131-393-00	Curriculum	-	1,450.00	1,450.00
11-6131-394-00	Summer Camp	-	5,516.00	5,516.00
Total		16,122.00	9,200.00	25,322.00
Balanced:				
		41,023.00		73,323.00
Justification:				
Need for increased restitution supervision has caused a deficit in the salary line.				

Commissioner Lawrence moved to approve BA1516-017. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

b. Minutes

Ms. Stallings provided the Board with the minutes of May 2, 2016 and May 16, 2016. She noted a correction to the minutes of May 16th.

Commissioner Bonner moved to approve the minutes as amended. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Public Hearing – Conditional Use Rezoning and Conditional Use Permit- CURZ and CUP 16-01 Joey Nixon – Top Notch Service Center, Inc.

County Attorney Lauren Arizaga-Womble recommended that the Board continue the public hearing until the June 20, 2016 meeting. She stated that both the Planner and the applicant have agreed to the continuation.

Commissioner Winborne moved to continue this public hearing until the June 20, 2016 meeting. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Public Hearing on FY 2016-17 Proposed Budget

Commissioner Winborne moved to open the floor for the public hearing on the proposed FY 2016-17 budget. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Alvin Early 405 Drummonds Point Road Edenton stated he did not want an increase of his property taxes. He stated he feels the raises should not come on the shoulders of the taxpayers.

Dr. Rob Jackson 9 Old Fish Hatchery Rd Edenton provided the Board with a written statement regarding the budget for Edenton-Chowan Schools. A copy of the statement is in the meeting labeled June 6, 2016. The Board requested that the County fully fund the Board of Education's request to restore a 1% cut from the employees' salaries and supplements.

Marvin Strzyzewski 937 Soundside Rd. Edenton stated his opposition to a tax increase and encouraged the Board to look into special taxing districts.

Lexie Armstead 104 Iredell Drive Edenton stated her support of the school system's current expense funding request. She stated that restoring the salaries will attract teachers.

Linda Peterson 116 Horniblow Pt Rd. Edenton thanked the Board for their work on the budget. She thanked the Board for the proposed Library and ARC&D funding in the FY 2016-17 budget.

Dr. Adrian Wood 105 West King St. Edenton stated her concern with the quality of education offered to the population it serves. She stated a pay increase would attract quality teachers and that research shows an increase in funding results in quality education.

Being no further public comment, Commissioner Nixon moved to come out of the public hearing. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Commissioner Winborne stated his appreciation for the teachers and the public comments.

Commissioner Nixon thanked the public for their comments. He stated he disagrees with statements that more money will result in better education. He stated the Commissioner's mission is to oversee the budget. He stated that in last fiscal year's budget the Board of Commissioners put much money into funding capital needs. He stated that the legislature is giving raises to teachers however he is not aware that the county funding pays but for one position in the school system. He stated the County only funds the supplement. He stated the current expense money can be used at the discretion of the school board. He stated that Chowan County puts more money in for education but it is not being appropriated by the school board to the teacher supplements. He questioned where the current expense monies are going. He stated

the loss of state monies results in a loss per student. He noted that Edenton-Chowan Schools also receives low wealth funding.

Commissioner Mitchener stated his concern with the lottery monies that were promised for school capital and construction. He stated the public should make the state keep their promise to use these monies for school construction.

Commissioner Lawrence stated his support of education and felt the monies should go to education.

Commissioner Bonner stated his concern regarding a tax increase but added that a small increase if needed should be for education. He stated he did not feel the Commissioners should micromanage the school boards use of the current expense monies. He stated he supports the schools request and if it means a 1 cent tax increase, then he would support it.

Chairman Smith stated that the federal government and the state gives the school system approximately \$10,000 to \$11,000 per student. He stated that the monies have been decreasing from the state and now the school system is looking to the County to replace these funds. He stated the school board made the decisions to keep positions filled or open. He noted that the schools state 21 positions have been lost since 2008 but only one person lost their job. He stated that education is a top priority but he felt the Board of Commissioners should remain realistic.

Commissioner Nixon asked what the Board would be willing to give up with regards to services in order to fund the additional monies for the school system. He asked the Board where it stops when the funding requests from the school are to make up a loss in state or federal revenue. He stated if the County raises taxes, then businesses will leave.

Commissioner Winborne stated he agreed with Commissioner Nixon. He stated that he felt if the Board raises taxes businesses will leave. He stated that farmers have moved their farm equipment to other Counties because of the tax rates. He stated that raising taxes is not always the answer and stated the Board should ask what they would be willing to sacrifice. He stated the County needs growth. He stated if the public wants taxes to go up, he would vote in support of that but he stated he did not feel that raising taxes was a good thing for the community. He stated his concern with people who live on fixed incomes. He stated his support has been with safety and law enforcement.

Commissioner Mitchener stated that school improvement bonds will be paid off in 2022. He stated that a tax increase is a small sacrifice over the next six years. He stated he has spent time at the schools and the teachers are in need of teaching assistants to engage all of the students. He stated he felt the County could sacrifice a small bit to get through the next six years.

Commissioner Nixon stated that Chowan has some of the best teachers around but he felt the Board needed to look at the facts. He stated that Chowan County pays its teachers pretty good. He stated Chowan County is ranked 50th out of 115. He stated he would like to know is where the money is going in comparison to those counties who pay less.

Commissioner Lawrence stated that if Chowan County wanted to advance past other counties they will have to give up something. He stated it cannot be done without giving up something.

Commissioner Bonner stated the schools in his opinion have done a great job and he felt the County has also been fiscally responsible in consolidating its debt. He stated that he supported the school's request.

Chairman Smith stated the graduation rate has increased and commended the schools on their work and stated he was proud of the education system in Chowan County.

Upcoming Appointments

Ms. Stallings requested the Board's approval of advertisement of upcoming vacancies on the Nursing Home Advisory Board, ABC Board, Town Planning Board and Town Board of Adjustment.

Commissioner Nixon moved to approve the advertisement. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Chairman Smith called for a five minute recess. After five minutes he called the meeting back to order.

Painting Quotes

Mr. Howard provided the Board with three contractor quotes for painting of the Courthouse and the Detention Center. He stated there is some savings from capital projects at the Community Center and other buildings. He noted he would recommend approval of the low bid from Carrera Painting.

It was noted the County receives state contract pricing on paint.

Commissioner Mitchener moved to accept the bid from Carrera Painting in the amount of \$20,500. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

JCPC Membership and 2016-17 funding plan

Mr. Howard presented the 2016-17 funding plan and membership roster. He noted there are no changes from the current year. Commissioner Nixon moved to accept the funding plan and membership roster as presented. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

External Board and Committee Reports

Chairman Smith asked the Board to report on the activities of the external boards to which they have been appointed.

Commissioner Mitchener reported on the Hospital Directors Council.

Chairman Smith reported on the ECP Board.

Manager's Report

Mr. Howard reported that the work on the Shepard building continues.

Timely and Important Matters

Chairman Smith called for any timely and important matters, there were none.

Closed Session

Commissioner Bonner moved to go into closed session in accordance with NCGS 143-318, 11.a 5 and 6 personnel and contract negotiations.

Chairman Smith asked for all in favor, the minutes of the closed session are sealed.

Commissioner Mitchener moved to come out of closed session. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Adjourn

Being no further business Commissioner Nixon moved that the meeting be adjourned. Chairman Smith asked for all in favor, the motion passed unanimously (7-0).

Jeffery Smith, Chairman

Susanne Stallings, Clerk